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Of Counsel
Fred J. Hahn

RECEIVED
JUN 03 2002
Department of Water Resources
Eastern Region

May 31, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim and Suzie Ridge
1239 North 2200 West
Preston, ID 83263

Dear Mr. & Mrs. Ridge:

We are writing this letter on behalf of Messrs. Robert and Earl Fellows, who have contacted us with respect to trespasses by you upon their land to interfere with and injure irrigation structures and facilities located there. We must demand that you immediately cease and desist from such trespasses and interference with or injury to the structures and facilities. Such actions are crimes under Idaho Law, punishable by fines and imprisonment. We have sent copies of this letter to the Prosecuting Attorney for Franklin County, requesting that appropriate action be taken. If it becomes necessary for us to initiate legal action on behalf of the Fellows, we will need to seek treble damages, punitive damages and attorneys fees and costs from you.

We have reviewed the water rights that we have been able to find of record for waters in a drain system (sometimes referred to as the Bell-Tanner Drain) appurtenant to your lands and to the lands of the Fellows. Our research has disclosed only one right, Number 13-2282, for your property. This right was apparently obtained by your predecessors in interest, Melvin and Lois Griffeth, in the amount of 1.42 CFS (71 miners inches), with a priority date of April 7, 1967, for the irrigation of 71 acres of land.

The rights in the same drain system which appear to be appurtenant of record to the Fellows' land include the following:

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Department of Water Resources
Eastern Region

Idaho Department of Water Resources ID Number	Cubic Feet per Second	Priority
13-2135	.1 CFS	April 21, 1937
13-2147	2.0 CFS	November 13, 1932
13-2175	1.0 CFS	May 1, 1953
13-2279	.91 CFS	January 18, 1967

TOTAL 4.01 CFS (or 200.5 Miners Inches)

We expect you already know that under Idaho Law, the earlier priorities must be satisfied in full before any water is available under the later priorities. While you may have a right to divert and use water that passes the most downstream diversion of the Fellows, you certainly have no right to come on their property without permission or to touch any of their irrigation facilities.

By a copy of this letter to the Idaho Department of Water Resources, we are also requesting the State's assistance in administering these rights. If you have an attorney, we suggest that you have him or her contact us immediately about this matter. In any event, we need to have your response to this letter as soon as possible.

Very truly yours,



Kent W. Foster

cc: Jay McKenzie, Prosecuting Attorney

Idaho Department of Water Resources ✓

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